



CHAPTER 95

ARTICLE 16 - OCCUPATIONAL SAFETY AND HEALTH ACT OF NORTH CAROLINA

N.C.G.S. § 95-131.

Development and promulgation of standards; adoption of federal standards and regulations.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 1997-443, s. 11A.34 — eighth act in the lineage	21 September 2026, 02:52 UTC	e490192ea1e2ca844dd98e72 - 450f39ba9fe9c6b21c5e8513 - 2d152f1ce263d170

§ 95-131(a)

All occupational safety and health standards promulgated under the federal act by the Secretary, and any modifications, revision, amendments or revocations in accordance with the authority conferred by the federal act or any other federal act or agency relating to safety and health and adopted by the Secretary, shall be adopted as the rules of the Commissioner of this State unless the Commissioner decides to adopt an alternative State rule as effective as the federal requirement and providing safe and healthful employment in places of employment as required by the federal act and standards and regulations heretofore referred to and as provided by the Occupational Safety and Health Act of 1970. Chapter 150B of the General Statutes governs the adoption of rules by the Commissioner.

§ 95-131(b)

, (c) Repealed by Session Laws 1991, c. 418, s. 8.

§ 95-131(d)

Rules adopted under this section shall provide insofar as possible the highest degree of safety and health protection for employees; other considerations shall be the latest available scientific data in the field, the feasibility of the standard, and experience gained under this and other health and safety laws. Whenever practical the standards established in a rule shall be expressed in terms of objective criteria and of the performance desired. In establishing standards dealing with toxic materials or harmful physical agents, the Commissioner, after consultation and recommendations of the Department of Health and Human Services, shall set a standard which most

adequately assures, to the extent possible, on the basis of the most available evidence that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life.

§ 95-131(e)

The Commissioner may not adopt State standards, for products distributed or used in interstate commerce, which are different from federal standards for such products unless the adoption of such State standard, or standards, is required by compelling local conditions and does not unduly burden interstate commerce.

§ 95-131(f)

Repealed by Session Laws 1991, c. 418, s. 8.

§ 95-131(g)

Any rule, regulation, scope, or standard for agricultural employers adopted or promulgated prior to July 12, 1988, that differs from the federal rule, regulation, scope, or standard is repealed effective September 1, 1989, unless readopted pursuant to Chapter 150B of the General Statutes.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
8 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1973	1985		1997
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1973	c. 295, s. 6	ENACTED
02	1973	c. 476, s. 128	AMENDED
03	1975	2nd Sess., c. 983, s. 81	AMENDED
04	1987	c. 285, s. 17	AMENDED
05	1987	1987 (Reg. Sess., 1988), c. 1111, ss. 7, 8	AMENDED
06	1989	c. 727, s. 219(14)	AMENDED
07	1991	c. 418, s. 8	AMENDED
08	1997	S.L. 1997-443, s. 11A.34	AMENDED

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 95-131 (1997).

PINPOINT

N.C. Gen. Stat. § 95-131(a) (1997).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1973, c. 295, s. 6; c. 476, s. 128; 1975, 2nd Sess., c. 983, s. 81; 1987, c. 285, s. 17; 1987 (Reg. Sess., 1988), c. 1111, ss. 7, 8; 1989, c. 727, s. 219(14); 1991, c. 418, s. 8; 1997-443, s. 11A.34.)

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